

or the inhabitants thereof to condemn and appropriate to its use any private land reasonably necessary for its use for such purposes, by paying just compensation therefor, and prescribing the proceedings for such condemnation, to repeal all laws in conflict herewith, and declaring an emergency."

And find it correctly engrossed.  
COFER, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
Friday, Aug. 25, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Paulus.
Astin.	Peeler.
Carter.	Real.
Cofor.	Sturgeon.
Ccillins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Bryan.	Hume.
Hudspeth.	Mayfield.

Absent—Excused.

Perkins.	Terrell, McLennan.
Ratliff.	Willacy.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer the same was dispensed with.

See Appendix for standing committee reports.

Morning call concluded.

HOUSE BILL NO. 45.

The Chair laid before the Senate on third reading,

House bill No. 45, A bill to be entitled "An Act to amend Section 2, Article 4, and Section 93, Article 4, of Chapter 6 of the Acts of the

Twenty-fourth Legislature, entitled an Act to incorporate the city of Sherman, in Grayson county, Texas, and fixing the boundary thereof, and to provide for its government and the management of its affairs so as to provide for the extension of the limits of said city, for the payment of outstanding bonds and indebtedness, and providing for improvements in said city, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Cofor.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Meachum.	Weinert.

Absent.

Hudspeth.	Mayfield.
Hume.	

Absent—Excused.

Perkins.	Terrell, McLennan.
Ratliff.	Willacy.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 54.

The Chair, by unanimous consent, laid before the Senate on third reading,

House bill No. 54, A bill to be entitled "An Act granting unto the municipal authorities of the city of Austin, Texas, the right to establish, operate and maintain a free public library upon a tract of land, consisting of 207 by 128 feet out of the eastern portion of the north half of block 101, in the city of Austin, Texas, and changing the designation upon the map of Austin of said tract of land from church to public free library purposes."

The bill was read third time, and passed.

**PENDING BUSINESS.**

Action here recurred on the pending business from the last evening session, and the Chair, Lieutenant Governor Davidson, held that that would be the pending business, and called Senator Murray, who was presiding last evening, to the chair.

The question was on the appeal from the ruling of the Chair on the point of order by Senator Sturgeon which was overruled by the Chair, Senator Hume, and the question was on the appeal.

Pending discussion, Senator Vaughan, by unanimous consent, withdrew his motion to rescind the vote by which the bill was made a special order. (See Journal of yesterday for the motion.)

Action then recurred on the pending appeal from the ruling of the Chair, on account of the ruling of the Chair on the point of order by Senator Sturgeon.

Question—Shall the Chair be sustained?

The Senate sustained the ruling of the chair by the following vote:

Yeas—17.

Adams.	Murray.
Astin.	Paulus.
Carter.	Peeler.
Cofer.	Real.
Hudspeth.	Terrell, McLennan.
Johnson.	Ward.
Kauffman.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—7.

Bryan.	Sturgeon.
Collins.	Townsend.
Greer.	Vaughan.
McNealus.	

Present—Not Voting.

Hume.	Terrell, Wise.
Lattimore.	Warren.

Absent—Excused.

Perkins.	Willacy.
Ratliff.	

**REASON FOR VOTING.**

Believing that it required a two-thirds vote to carry the motion made by the Senator from Grimes to set Senate bill No. 55, and that the Chair

was in error in refusing to recognize the demand for the roll call made by Senators Townsend, McNealus and Vaughan and knowing there was no quorum present at the time the viva voce vote without roll call was taken, and that the regular order of business had not been suspended, and that Senate bill No. 55 was not properly before the Senate, I vote "nay."

VAUGHAN.

**HOUSE BILL NO. 5.**

Senator Lattimore called up as a privilege matter, and the Chair laid before the Senate on third reading,

House bill No. 5, A bill to be entitled "An Act to apportion the State of Texas into representative districts and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—14.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.

Nays—13.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Watson.
McNealus.	Weinert.
Meachum.	

Absent—Excused.

Perkins.	Terrell, McLennan.
Ratliff.	Willacy.

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

**REASON FOR VOTING.**

For fear that my vote not to table the Vaughan amendment to the representative redistricting bill (House bill No. 5) may be misunderstood, I will state that I favored the Vaughan amendment to keep Bowie, Cass, Marion and Harrison together in a flo-

torial district, still I favored Panola and Rusk counties each having a separate representative district and so voted, and so vote upon final passage.

TOWNSEND.

HOUSE BILL NO. 10.

Senator Cofer called up, as privilege matter, and the Chair laid before the Senate on second reading.

House bill No. 10, A bill to be entitled "An Act to apportion the State of Texas into Senatorial Districts, and declaring what counties shall constitute each Senatorial District."

There being a favorable majority (committee) report and an adverse minority (committee) report, the majority (favorable) committee report was, on motion of Senator Cofer, adopted.

Senator Cofer offered the following amendment, which was read and adopted:

Amend the bill by taking Rockwall county out of District No. 9, and putting same in District No. 6.

Senator Weinert offered the following amendment:

Amend the bill as follows: Take Comal county out of the Bexar county district and add same to the Guadalupe county district, same as in Senate bill adopted by the Senate.

(Lieutenant Governor Davidson in the chair.)

Senator Lattimore moved to table the amendment, which motion to table was lost by the following vote:

Yeas—6.

Cofer.	Lattimore.
Collins.	Sturgeon.
Greer.	Vaughan.

Nays—22.

Adams.	Murray.
Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Hudspeth.	Terrell, McLennan
Hume.	Terrell of Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Mayfield.	Warren.
McNealus.	Watson.
Meachum.	Weinert.

Absent—Excused.

Perkins.	Willacy.
Ratliff.	

The amendment was then adopted by the following vote:

Yeas—21.

Adams.	Peeler.
Astin.	Real.
Carter.	Sturgeon.
Collins.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Kauffman.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—5.

Bryan.	Johnson.
Cofer.	Lattimore.
Greer.	

Present—Not Voting.

McNealus.

Absent—Excused.

Perkins.	Vaughan.
Ratliff.	Willacy.

Senator Adams offered the following amendment:

Amend the bill by taking Mills county out of the Twenty-sixth District and placing it in District 27.

Senator Cofer moved to table the amendment, which motion to table was lost by the following vote:

Yeas—13.

Bryan.	Sturgeon.
Carter.	Terrell, Wise.
Cofer.	Townsend.
Collins.	Vaughan.
Greer.	Ward.
Johnson.	Warren.
Lattimore.	

Nays—14.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Peeler.
Hume.	Real.
Kauffman.	Terrell, McLennan.
Mayfield.	Watson.
Meachum.	Weinert.

Present—Not Voting.

McNealus.

Absent—Excused.  
Perkins. Willacy.  
Ratliff.

The amendment was then lost by the following vote:

Yeas—13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	

Nays—14.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.

Present—Not Voting.

McNealus.

Absent—Excused.

Perkins. Willacy.  
Ratliff.

Senator Adams offered the following amendment:

Amend the bill by taking Mills out of District 26 and placing it in District 18.

The amendment was read and lost by the following vote:

Yeas—13.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson.
Meachum.	Weinert.
Murray.	

Nays—14.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.

Present—Not Voting.

McNealus.

Absent—Excused.  
Perkins. Willacy.  
Ratliff.

Senator Murray offered the following amendment:

Amend by striking out DeWitt in District 22 and adding same to District 24, and strike out Medina in District 24 and add same to District 25.

The amendment was read and lost by the following vote:

Yeas—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan
Kauffman.	Watson
Meachum.	Weinert.

Nays—14.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.

Present—Not Voting.

McNealus.

Absent—Excused.

Perkins. Willacy.

PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Murray offered the following amendment:

Amend the bill by striking out Matagorda in District 24 and add same to District 22.

MURRAY,  
PAULUS.

The amendment was read and lost by the following vote:

Yeas—12.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Watson.
Meachum.	Weinert.

## Nays—14.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.

Present—Not Voting.

McNealus.

Absent—Excused.

Perkins. Willacy.

## PAIRED.

Senator Peeler (present), who would vote "yea," with Senator Ratliff (absent), who would vote "nay."

Senator Real offered the following amendment, which was read and adopted.

Amend the bill by adding Kerr and Gillespie counties to Bexar county senatorial district.

## SIMPLE RESOLUTION.

(By unanimous consent.)

By Senator McNealus:

Resolved, That the Hon. A. W. Terrell, a former member of the Texas Senate, and W. M. Walton, a former Attorney General of Texas, be accorded the privileges of the Senate Chamber for twenty-four hours.

The resolution was read and adopted.

CONTEMPT PROCEEDINGS—  
TRIAL OF.

The Chair here announced that the hour had arrived for the Senate to proceed to the contempt proceedings trial, and the Senate so proceeded.

Mr. W. H. Gray, accompanied by his counsel, appeared before the bar of the Senate.

Hons. Jonathan Lane, R. H. Ward and W. A. Hanger appeared as counsel for the respondent, Mr. Gray.

Preliminary arrangements having been completed,

The chair administered the oath to the official stenographer to take the proceedings in full.

Senator Vaughan offered the following resolution:

Resolved, That the respondent and his counsel be allowed one hour in which to present his defense against the charge of contempt, to be arranged to suit him, and that counsel for the committee be allowed one hour.

The resolution was read, and Senator Watson offered the following amendment to the resolution:

Amend the resolution by striking out "one hour" wherever it occurs and insert in lieu thereof "two hours and thirty minutes."

Senator Lattimore offered the following amendment to the amendment:

Amend the amendment by allowing counsel for the respondent and committee each two hours.

The amendment to the amendment was read, and lost by the following vote:

## Yeas—12.

Bryan.	Lattimore.
Carter.	Mayfield.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Vaughan.
Johnson.	Warren.

## Nays—16.

Adams.	Paulus.
Astin.	Peeler.
Hudspeth.	Real.
Hume.	Terrell, McLennan.
Kauffman.	Townsend.
McNealus.	Ward.
Meachum.	Watson.
Murray.	Weinert.

Absent—Excused.

Perkins. Willacy.  
Ratliff.

Action recurred on the amendment to the resolution, and the same was adopted.

The resolution, as amended, was adopted.

The Chair then directed the reading of the resolution providing for the proceedings, as follows:

Committee Room,

Austin, Texas, Aug. 23, 1911.

Whereas, it appearing to the Senate of the State of Texas, now in session in the city of Austin, Travis county, Texas, upon a written report of the Senate Investigating Committee heretofore lawfully and constitu-

tionally appointed by the Senate, that one W. H. Gray, Houston, Texas, has appeared before the said committee in obedience to lawful process theretofore lawfully issued and served upon him under and by the direction of said committee, and after being duly sworn by the Hon. Horace W. Vaughan, chairman of said committee, who was duly authorized by law to administer said oath, said witness wilfully failed and refused to answer under oath certain questions propounded to him by said committee and under its direction, all of which questions are set out in the report of said committee to the Senate herein referred to and made a part hereof, and

Whereas, It appearing to the Senate of the State of Texas that the said refusal of said witness to answer said questions as aforesaid was wilful, and that the same is an obstruction to the lawful proceedings both of the said committee and of the Senate; therefore be it

Resolved by the Senate of the State of Texas:

First. That said W. H. Gray be, and is hereby held and adjudged to be guilty of contempt of this Senate and of obstructing the lawful proceedings of a lawful committee of this Senate.

Second. That the said W. H. Gray be cited to appear before the bar of this Senate at 3 o'clock on the 24th day of August, A. D. 1911, then and there to show cause, if any he has, why the aforesaid adjudication of contempt against him should not be made final, and why he should not be held and adjudged in contempt of this Senate and punished therefor, as required by law.

Third. That the Secretary of this Senate be and he is hereby ordered and directed to issue citation and notice to the said W. H. Gray to appear at the time and place and for the purpose aforesaid.

Fourth. That said citation and notice aforesaid shall consist of a copy of this resolution.

Fifth. That service of said citation and notice shall be made by the Sergeant-at-Arms or Assistant Sergeant-at-Arms of this Senate, by delivering to the said W. H. Gray in person a true copy thereof.

HORACE W. VAUGHAN,  
Chairman.

Mr. Lane, counsel for the respondent, filed the following answer to

the above charge, which was read to the Senate:

To the Senate of the State of Texas, now in Special Session, and to the Hon. A. B. Davidson, President of the Senate.

Come now the respondent, W. H. Gray, in obedience to the citation served upon him on this the 24th day of August, 1911, commanding him, among other things, to appear and show cause why he should not be held in contempt of said Senate and of your special investigating committee for declining to answer questions submitted to him and interrogatories propounded to him by your said committee, as set forth in its report to your honorable body and filed therein on the 23rd day of August, 1911, a copy of which so served upon him is hereto attached and marked Exhibit "A" and made a part hereof.

Your respondent says:

(1)

That when he was first served with a subpoena to appear before your said committee he obeyed the same and appeared and was sworn; at that time, acting in accordance with his own judgment of the law and in accordance with advice of counsel, he believed that said committee had no authority to require him to answer as a witness any question that might have been propounded to him, and he therefore on said occasion declined to answer any question submitted to him; that later on in this session the Governor of Texas submitted a message to the Senate and by virtue of which the said Senate, as he understood it, claimed to have authority to legislate upon the question as to whether or not there had been any frauds committed in the matter of payment of poll taxes in the State of Texas preceding the election held on the constitutional amendment on July 22, 1911, and whether or not at said election any violations of the election law had been committed; that a subsequent resolution was passed by the Senate, authorizing said committee to investigate certain other things therein set forth, which had not been provided for in the original resolution creating said committee; that after said subsequent resolution or supplemental resolution had been passed, attachment was issued by

your chairman and served upon him by W. J. McDonald, an officer of said committee, and that in response thereto he appeared before your committee and testified and answered every question propounded to him, which in his judgment the committee, under the law and Constitution of this State, and by virtue of said resolution creating it or by virtue of all questions submitted to it, had the legal and constitutional right to require him to answer; that in so doing, he acted under the advice and direction of counsel. He avers that it has not been his purpose or intention to show any contempt for this Senate or for its committee, but that his action has been based upon what he conscientiously believed to be his constitutional rights as a citizen of Texas and the constitutional rights of every other citizen of said State, and he avers that he has not been in contempt either of said committee or this Senate.

(2)

Your respondent further says, that it is a fact so far as he remembers that he declined to answer each and every one of the questions propounded to him by said committee as set forth in a copy of the report of said committee, made to this Senate and served upon him which is attached hereto and called Exhibit "A;" that he refused to do so because he believed and still believes that this Honorable Senate had not the authority or the power under the Constitution to appoint a committee and invest it with authority to make such inquiries and demand answers thereto of any citizen of the State of Texas or of your respondent; he believes and charges the fact to be that such inquiries were not made and are not being insisted upon for any legitimate and lawful purpose; that the information attempted to be secured by each and all of said interrogatories, was not intended and is not intended to assist the Legislature or the Senate thereof in gaining any information for the purpose of assisting in legislation or for the purpose of carrying out and putting in force any authority or power vested in, or duties imposed upon the Legislature of Texas, but on the contrary believes that said in-

quiries were made and said information desired solely and only for political purposes and intended to be used in behalf of one side of a political division of the people of Texas upon a question of adopting or not adopting a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors in this State, and that said inquiries were made about and concerning subjects which are private in their nature which can serve no public purpose within the power of this Legislature to correct and are without and beyond the jurisdiction of this Senate to inquire about, investigate or act upon; that to have answered the questions propounded would have forced this respondent to have violated his duties and obligations to many people who contributed to the campaign fund accumulated, to be used legitimately, in an effort to defeat the adoption of a prohibition amendment, voted upon on the 22nd day of July last, which he and those co-operating with him believed if adopted would be most seriously injurious to the people of Texas, and would have caused said contributors, who contributed in a lawful way inconvenience, vexation and loss of business, to unreasonable partisans located in their respective places of residence and with whom and for whom they respectively transacted business and would have violated the confidence which was reposed in him by many persons who contributed by their efforts and influence in assisting in a lawful way his lawful efforts opposing said amendment to defeat the adoption of same, and for the reasons aforesaid, and others, he respectfully declined to answer said interrogatories and now stands upon his constitutional right and his individual obligation not to answer said impertinent, unlawful and unconstitutional demands.

(3)

Your respondent further says that it is his belief, and he so charges, that the resolution under which your said committee is acting was adopted and is attempted to be enforced in violation of the Constitution of the State of Texas, and that this honorable body had no authority under the Constitution to pass said resolution embodying the pro-

visions thereof, and no authority under the Constitution to empower the committee as has been attempted to be done, to make the investigation therein ordered, or to make the inquiries and elicit the testimony thereunder sought to be elicited from your respondent or any one else.

(4)

Your respondent shows to this honorable body that if the resolution is held to be constitutional, and that the same has been lawfully passed, and that the committee thereunder has lawful authority to do as therein commanded, then by simple resolution as therein provided, said committee is invested with the following powers and authorities:

(a) "All of the power necessary to carry out the full and complete terms of said resolution." You will see by said expression of said resolution that no limit is placed upon the power of said committee and that the human mind can not conceive under its provisions of any class or character of coercion or force which might be used by said committee and its subordinates (selected by itself), which could not be exercised over citizens of this State and their property uncontrolled by anything except the will and discretion of the members of said committee.

(b) "All of the authority conferred by law under Chapter 7 of the Acts of the Thirtieth Legislature." Under the authority of said act this committee is given the power to issue process of its own creation, power to legislate and make process of its own type and character, to determine how it shall be executed and by whom it shall be executed, to compel the attendance of witnesses and the production of papers, and property of citizens, including, of course, the right of search and seizure of the persons and property of the citizens of this State, and with express power to condemn any citizen who disobeys any of its orders, or evades its process, of being guilty of contempt of said committee, and to impose upon any such citizen a pecuniary fine of \$100 and imprisonment for any length of time, limited by the duration of the then session of the Legislature, and many other powers in violation of the Constitution of the State of Texas.

(c) In addition to the powers set forth in paragraphs (a) and (b), said resolution confers upon said committee, for disobedience of its demands the power to adjudge such citizen guilty of contempt, and to bring him before the bar of this Senate for such contempt, there to be dealt with as the members of this Senate may deem necessary, without limitation or restriction.

(5)

Your respondent further says that your said committee by and under the direction of said resolution have undertaken and are undertaking to carry out and execute such unlawful authority, undertaken to be conferred by this Senate, upon your respondent and upon many other citizens of the State of Texas, in violation of the Constitution of this State.

(6)

It will be observed that if the powers sought to be conferred by the resolution have been conferred that said committee has greater power than any district court or other court has conferred upon it by the Constitution of this State. It will be observed that the resolution provides that all necessary expenses incurred by the members of the committee, including the necessary traveling expenses by the members of the committee or incurred under its direction, in pursuance of said investigation, shall be paid out of the contingent expense fund of the Senate; that such committee shall elect its own chairman and such other officers as it may desire and establish, and make such rules for governing its own procedure and forms of process as may be permitted by law, thus giving it legislative power both to appropriate money and to create forms of process and methods of executing same; that it has legislative power to appropriate money without limit, and controlled only by its desire; that under it, if lawful, said committee can appoint one officer or a thousand, and summon one witness or a hundred thousand, and if said authority is lawful could bankrupt the State of Texas.

(7)

Your respondent insists that said resolution is violative of the following provisions of the Constitution of the

State of Texas, whose creature this Legislature is, namely:

(a) Article 1, Section 2, of the Constitution provides "that all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit." This provision is cited for the purpose of showing the inaccuracy of the oft repeated statement that the Legislature has any inherent power. I contend that the Legislature and this Senate has no inherent power, that it must look to the Constitution of this State for all power by it possessed, and that the Constitution has conferred upon it by a section hereinafter quoted only legislative power and under proper constitutional restrictions, and therefore for this Senate to undertake to exercise inherent power or to confer such power upon its committee is in violation of the express terms of the Constitution.

(b) Article 1, Section 9, of the Constitution provides "that the people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place or to seize any person or thing shall be used without describing them as near as may be, and only with probable cause supported by oath or affirmation." Your respondent shows to you that if the authority attempted to be conveyed by your resolution has been conferred, you have given to said committee without limitation all powers which it thinks necessary to carry out the provisions thereof, and the power to prescribe, manufacture, make, create and cause to be executed, any kind of process which it deems necessary and advisable, to enforce such power as it deems necessary or desirable. That such power might include, and in fact it is undertaking to enforce, the power of seizing the property, books and papers and persons of individual citizens without any specific allegation of wrong-doing on their part and without any oath or affirmation that any wrong has been done or attempted by them or any of them, and that such resolution on that account is in violation of the Constitution and void.

(c) Article 2, Section 1, of the Constitution provides "the powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be

confined to a separate body of magistracy, to wit: those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person or collection of persons being of one of these departments shall exercise any power properly attached to either of the others except in the instances herein expressly permitted."

Your respondent contends that the above is a clear declaration of our Constitution separating these three great governmental functions and then declaring in so many words and so plain that they can not be misunderstood, "that neither department shall exercise any of the powers of any other department, except in the instances therein expressly permitted," and your respondent asserts that said resolution undertakes to confer upon your committee legislative power, judicial power and executive power, and is therefore in violation of said provision of said Constitution and is void.

(d) Article 3, Section 1, of the Constitution provides: "The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled the Legislature of the State of Texas." By this provision your respondent contends that the Constitution confers upon the Legislature so composed all legislative power and none other except such other power as is expressly conferred by the Constitution itself, and that this power conferred upon the Legislature as a whole, consisting of the Senate and House of Representatives, can not by the entire body be delegated to either branch thereof, nor can the entire body or either branch thereof, delegate legislative power to a committee of either branch or to a joint committee of both branches, as has been attempted to be done under the provisions of said resolution, i. e., the power to create process of its own liking, the power to execute the same in its own way, the power to adjudge people guilty of criminal conduct, the power to convict them, the power to enter judgments of conviction, and the power to execute the sentence of such judgment, and the power to appropriate and expend the money of the people in unlimited quantities.

Your respondent shows to this Honorable Body that Article 3 of said Constitution, by its various subsequent sections, sets out clearly and

explicitly how and in what manner the Legislature is to exercise its legislative power, and that it can not do so in any other manner must be apparent.

(e) The Constitution, Article 3, Section 5, provides: "The Legislature shall meet every two years at such times as may be provided by law and at other times when convened by the Governor." Your respondent calls attention to the fact that the Legislature can not meet for general legislative purposes except in regular sessions biennially at such times as is provided by law, and that at such regular terms only can it engage in general legislation.

That under Section 40 of said Article No. 3, the Constitution provides: "When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling said Special Session or presented to them by the Governor."

Your respondent calls attention to the fact that the present Special Session of this Honorable Senate is a called session, made by the Governor, and is, therefore, controlled by said Section 40 of the Constitution, and can not legislate upon any subject except such as has been submitted to it by the Governor and that the subject or subjects of amending or changing the present election laws or of enacting new laws governing elections, has not been submitted, nor has the Governor submitted to this Legislature the subject of passing upon and creating laws to prevent the contributions of funds by individuals, associations or corporations for campaign purposes nor for the purpose of legislating to prevent conspiracies, to corrupt the ballot box or influence elections, nor any other subject upon which the testimony sought to be elicited would give any light or information; that it is clear that there can be but two classes or kinds of sessions of the Legislature, one a regular session and the other a called session, as set forth in the two provisions of the Constitution just quoted.

Your respondent further desires to call your attention to the fact that if the resolution under which your committee is acting is contended to be legislation, then the Legislature has not passed it in accordance with the provisions of the Constitution, and if

it is not legislation, then it is an effort to do something and to exercise power, which by the terms of the Constitution neither this Senate or both houses combined has the power to do.

(f) Section 11 of Article 3 of the Constitution provides, "That each house may determine the rules of its own proceedings, may punish members for disorderly conduct and with the consent of two-thirds, expel a member, but not a second time for the same offense," and Section 15 of Article 3 provides "that each house may punish by imprisonment during its session any person not a member for disrespectful or disorderly conduct in its presence or for obstructing any of its proceedings, provided such imprisonment shall not at any one time exceed forty-eight hours."

Your respondent respectfully shows to this honorable body that the last two quoted sections of said Constitution contain all of the power embraced in this Constitution by and under which this Senate may punish any person whomsoever except in the case of impeachments of officials, and your respondent calls attention to the fact that he is not a member of the Legislature and therefore not subject to the provisions of said Section 11. That he has not been disrespectful or been guilty of disorderly conduct in the presence of this Senate, nor has he in any manner obstructed any of its proceedings and therefore he has not committed any act which by the terms of said Constitution empowers this Senate to try or condemn him, and he avers that the effort to do so is unconstitutional and void.

(g) Article 3, Section 44 of the Constitution provides: "The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors not provided for in this Constitution, but shall not employ anyone in the name of the State unless authorized by pre-existing law."

Your respondent respectfully calls your attention to this provision of the Constitution and to the provision of your resolution which undertakes to permit your committee to create officers, select officers, fix their salaries and expend the public moneys of this State in the payment of said salaries and the payment of the expenses of your committee in unlimited quantities in violation of said constitution,

and therefore your said resolution is unconstitutional and void.

(h) Article 5, Section 1 of the Constitution, as amended in 1891, provides: "The judicial powers of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in district courts, in county courts, commissioners courts, in courts of justices of the peace and in such other courts as may be provided by law."

Your respondent respectfully calls attention to the fact that your resolution undertakes to confer high judicial powers of the greatest magnitude upon your committee over the persons and property of citizens of Texas, in violation of that provision of the Constitution. That this Legislature has no authority under the Constitution (but such authority is prohibited) to confer judicial powers upon committees of your Senate or upon persons who are not judges of courts or upon any executive officer, all of which resolution seeks to do, and in addition your resolution undertakes to confer legislative power upon your committee which under the Constitution can not be done, and for these reasons as well as the others, said resolution is unconstitutional and void.

(i) Your respondent calls your attention to the fact that by this resolution you have undertaken to confer upon a committee of your own selection of your own members, powers which the Legislature as a whole has not and which neither branch thereof possesses under the Constitution, and that this can not be done. If it be conceded that both houses acting concurrently or either branch of the Legislature can confer powers upon itself not granted by the Constitution, then there is no limit to the power which the Legislature may confer upon itself and thus enable it to usurp all the powers of the government.

(8)

This respondent further shows to this honorable Senate that in declining to answer the several questions referred to in its said resolution, and in each and all of his acts in the premises, he has acted under the advice of counsel learned in the law, that he has not obstructed nor intended to obstruct the proceedings of this Senate or its said committee, or

in any manner whatsoever intended to be in contempt thereof; that in what he has done he had only asserted his right as a citizen under the Constitution and resisted what he conceived to be unwarranted and unconstitutional efforts to assert authority over him as a sovereign citizen by your committee, and he prays and requests that by resolution of this Senate he be exonerated and acquitted from any wrongdoing or intentional wrongdoing in any of the acts committed by him, and that he be declared not to be in contempt of this Senate.

W. H. GRAY,  
Respondent.

After the above was read, the counsel for the respondent proceeded to the argument of the case, Mr. R. H. Ward opening for the respondent.

Pending discussion by Mr. Ward he, at 12:40 o'clock p. m., yielded the floor for a motion to recess, and

Senator Lattimore moved that the pending proceedings be made a special order for 3 o'clock today, and the motion prevailed.

RECESS.

Senator Lattimore moved that the Senate recess until 2 o'clock today.

Senator Hume moved, as a substitute, that the Senate recess until 2:30 o'clock today.

Action recurring on the longest time first, the motion to recess until 2:30 o'clock prevailed.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 10.

Action here recurred on the pending business, House bill No. 10, and Senator Cofer offered the following amendment:

Amend the bill so District No. 4 may be composed of Grayson, Cooke and Montague counties, and so that District No. 5 may be composed of Collin, Denton and Wise counties.

Senator Hudspeth offered the following amendment to the amendment:

Amend the amendment by placing Collin and Grayson in District No. 4.

Senator Cofer moved to table the amendment to the amendment, which motion to table prevailed by the following vote:

Yeas—13.

Bryan.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	

Nays—9.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	

Present—Not Voting.

Carter.

Absent.

Hume.

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.
Terrell, McLennan.	

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Lattimore moved the previous question on the amendment and engrossment of the bill, but same was not seconded.

The amendment by Senator Cofer was adopted by the following vote:

Yeas—15.

Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	

Nays—9.

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	

Absent.

Hume.

Absent—Excused.

McNealus.	Terrell, McLennan.
Perkins.	Willacy.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Paulus offered the following amendment:

Amend the bill by taking Fayette county out of District 20 and putting in District 21.

Senator Cofer moved to table the amendment, which motion to table prevailed by the following vote:

Yeas—13.

Bryan.	Mayfield.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Lattimore.	

Nays—11.

Adams.	Paulus.
Astin.	Real.
Hudspeth.	Ward.
Kauffman.	Vaughan.
Meachum.	Weinert.
Murray.	

Absent.

Hume.

Absent—Excused.

McNealus.	Terrell, McLennan.
Perkins.	Willacy.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Cofer offered the following amendment:

Amend the bill by taking Gillespie and Blanco counties out of District No. 26 and by adding same to District No. 23.

Senator Real offered the following amendment to the amendment:

Amend the amendment by striking out Blanco county and insert in lieu thereof Kerr county.

Senator Lattimore moved the previous question on the pending amendment, the amendment to the amendment and the engrossment of the bill, which motion being duly

seconded, was so ordered by the following vote:

**Yeas—14.**

Bryan.	Mayfield.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

**Nays—10.**

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.

**Absent.**

Hume.

**Absent—Excused.**

McNealus.	Terrell, McLennan.
Perkins.	Willacy.

**PAIRED.**

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Action then recurred on the amendment to the amendment, and the same was adopted by the following vote:

**Yeas—12.**

Adams.	Murray.
Astin.	Paulus.
Carter.	Real.
Hudspeth.	Ward.
Kauffman.	Watson.
Meachum.	Weinert.

**Nays—12.**

Bryan.	Mayfield.
Cofer.	Sturgeon.
Collins.	Terrell, Wise.
Greer.	Townsend.
Johnson.	Vaughan.
Lattimore.	Warren.

**Absent.**

Hume.

**Absent—Excused.**

McNealus.	Terrell, McLennan.
Perkins.	Willacy.

**PAIRED.**

Senator Peeler (present), who would vote "yea," with Senator Rat-

liff (absent), who would vote "nay."

The vote being a "tie" the Chair, Lieutenant Governor Davidson, who was presiding, voted "yea," and declared the amendment adopted.

The amendment as amended was then adopted.

The bill was read second time, and ordered engrossed by the following vote:

**Yeas—15.**

Bryan.	Real.
Carter.	Sturgeon.
Cofer.	Terrell, Wise.
Collins.	Townsend.
Greer.	Vaughan.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	

**Nays—9.**

Adams.	Murray.
Astin.	Paulus.
Hudspeth.	Watson.
Kauffman.	Weinert.
Meachum.	

**Absent.**

Hume.

**Absent—Excused.**

McNealus.	Terrell, McLennan.
Perkins.	Willacy.

**PAIRED.**

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

**REASONS FOR VOTING.**

I send up the following reasons for my vote upon House bill No. 10, and ask that they be printed in the Journal:

Senator Ratliff of Delta county has been excused by this Senate on account of sickness, and at his solicitation I agreed to pair with him on all measures known as "liquor legislation" or "liquor bills," my vote to be controlled by the prohibition members of the Senate. That is to say, as an anti-prohibitionist I would vote as the antis voted upon all measures affecting the liquor traffic, and Senator Ratliff would vote as the prohibition members of the Senate vote.

When this bill was called up I did not consider it a "liquor bill" or a measure affecting the liquor traffic, and offered to vote against the bill. My attention was immediately called

by Senator Sturgeon and other prohibition Senators to the fact that I had agreed to pair with the Senator from Delta upon all "liquor legislation," and that they considered this a measure dealing with the "liquor traffic," and, therefore, insisted that I should vote the pair as per my agreement with the Senator from Delta. I voted the pair as sent up, but I do not understand why the State should not be apportioned into senatorial districts as contemplated by the Constitution in the place of being gerrymandered by one faction of the Senate to the end that State Senators may hereafter be elected alone upon the prohibition question, rather than upon a platform that stands for the upbuilding and advancement of the material welfare of the entire State.

PEELER.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 25, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 77, A bill to be entitled "An Act to create a more efficient road system for Liberty county, Texas, and making county commissioners of said county ex officio road commissioners," etc.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill:

House bill No. 77, referred to Committee on Roads, Bridges and Ferries.

#### CONTEMPT PROCEEDINGS — TRIAL OF.

Action here recurred on the pending special order for this hour, the same being the contempt proceedings against Mr. W. H. Gray, and Mr. Ward resumed his argument in behalf of the respondent.

During the discussion Senator Hudspeth was called to the Chair and presided.

Mr. Cullen F. Thomas addressed the Senate in behalf of the Committee.

At the conclusion of Mr. Thomas' address, Mr. Jonathan Lane closed the argument for the respondent.

(Lieutenant Governor Davidson in the chair.)

#### MESSAGE FROM THE GOVERNOR.

Executive Office,

Austin, Texas, Aug. 25, 1911.

To the Legislature of the State of Texas:

As provided in Section 40, Article 3, of the State Constitution, I present for your consideration additional subjects, as follows:

1. The creation of an independent school district for South Park, in Jefferson county.
2. Special road law for Frio county.
3. Special road law for Montague county.
4. The creation of the Independent County Line School District for Rising Star in Eastland county.
5. Independent school district for Sabinal in Uvalde county.

Respectfully submitted,

O. B. COLQUITT,

Governor.

#### RECESS.

Senator Mayfield, at 6:25 o'clock p. m., moved that the Senate recess until 8 o'clock tonight.

Senator Lattimore moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning, which motion was lost.

The motion to recess until 8 o'clock tonight prevailed.

#### AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

#### SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, Aug. 25, 1911.  
Hon. A. B. Davidson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 81, A bill to be entitled "An Act to create a more efficient road system for Madison county, Texas, and making the commissioners of said county ex officio road commissioners in their respective precincts, and providing for and fixing their compensation as such road commissioners; defining the powers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers and defining their duties and providing for and fixing their compensation for certain labor; providing penalties for the violation of this Act; giving persons subject to road duty in Madison county, and persons summoned to work on the public road of said county, the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipulated, and providing for the accounting of and disposition to be made of the money so paid; providing that delinquent poll tax payers shall be subject to four days road duty; requiring the tax collector of Madison county to furnish the commissioners court a list of all persons who fail to pay their poll tax; providing for the working of county convicts on public roads of said county; providing for an election to be held in said county by the qualified taxpaying voters of said county on petition to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners court the power to establish, change, improve, or discontinue public roads, with or without petition and notice, and providing that this Act shall control in Madison county in all cases wherein it differs from or is in conflict with the general laws on roads, making this Act cumulative, and declaring an emergency."

Also rejected the Free Conference Committee report on Senate bill No. 11 and instructed the committee to adhere to the provisions of the House amendments relating to the period of contract and compensation of the board.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

**BILL READ AND REFERRED.**

The Chair (Lieutenant Governor Davidson) had referred, after its cap-

tion had been read, the following House bill:

House bill No. 81, referred to Committee on Roads, Bridges and Ferries.

**BILLS AND RESOLUTIONS.**

(By Unanimous Consent.)

By Senator Murray:

Senate bill No. 67, A bill to be entitled "An Act to create more efficient road system for Frio county, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Bryan:

Senate bill No. 68, A bill to be entitled "An Act creating Rising Star Independent School District in Eastland county, Texas, and also containing territory in Brown county; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees, all the rights, powers and privileges and duties now conferred and imposed by the general laws of this State upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old Rising Star Independent School District for the year 1911 shall be collected and paid to the treasurer of said Rising Star Independent School District, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Cofer:

Senate bill No. 69, A bill to be entitled "An Act to authorize and empower Cooke county or any political subdivision of said county, by a vote of two-thirds majority of the resident tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; providing a method of making up the tax rolls

of Cooke county, providing for the deposit and disbursements of the funds under said Act, providing regulations for traffic on said roads, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

**CONTEMPT PROCEEDINGS—  
TRIAL OF.**

Action here recurred on the pending business and special order for this hour the contempt proceedings. Mr. Gray, the respondent, addressed the Senate in his own behalf.

(Senator Weinert in the chair.)

**ADJOURNMENT.**

At 11:20 o'clock p. m., Senator Paulus moved that the Senate adjourn until 10 o'clock tomorrow morning, and that motion was lost by the following vote:

Yeas—7.

Adams.	Paulus.
Astin.	Watson.
Hudspeth.	Weinert.
Murray.	

Nays—19.

Bryan.	Peeler.
Carter.	Real.
Cofer.	Sturgeon.
Collins.	Terrell, McLennan.
Greer.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	

Absent.

Hume.

Absent—Excused.

McNealus.	Ratliff.
Perkins.	Willacy.

Pending a short delay, on motion of Senator Townsend the Senate adjourned until tomorrow morning at 10 o'clock.

**APPENDIX.**

(Floor Report.)

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 69, A bill to be entitled "An Act to create a more efficient road system for Cooke county,"

Have had the same under consideration and beg to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Johnson, Kauffman, Peeler, Paulus.

(Floor Report.)

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 67, A bill to be entitled "An Act to create a more efficient road system for Frio county, Texas, etc."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Paulus, Kauffman, Johnson, Weinert.

(Floor Report.)

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

Senate bill No. 68, A bill to be entitled "An Act creating Rising Star Independent School District in Eastland county, Texas, and also containing territory in Brown county, Texas, providing for a board of trustees in said independent school district, and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of this State upon independent school districts and the board of trustees thereof; providing that the taxes assessed for the old

Rising Star Independent School District for the year 1911, shall be collected and paid to the treasurer of said Rising Star Independent School District, and declaring an emergency."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Acting Chairman; Collins, Real, Watson, Ward, Weinert, Sturgeon.

(Majority Report.)

Committee Room,

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Insurance, Statistics and History, to whom was referred,

Senate bill No. 62, A bill to be entitled "An Act to prohibit any person, individual, association, partnership or aggregation of individuals (not incorporated) from writing contracts or policies of insurance against the hazard of fire or fire insurance policies of fire and tornado insurance policies or tornado insurance policies or liability insurance policies within the State, except in compliance with the provisions of this Act; to prescribe how and upon what terms, and person, association, partnership, individuals or aggregation of individuals (not incorporated) may write such policies or contracts of insurance, and excepting any association, partnership or aggregation of individuals who write such policies or contracts of insurance in only one county of this State and only upon their own property from certain provisions of this Act and prescribing how any association, partnership or aggregation of individuals may write such contracts or policies of insurance in any one county in this State and only upon their own property, and excepting organized fraternal societies, benevolent orders, trades associations, and professions who promote and maintain reciprocal agreements among their members only to indemnify said members against loss or damage to property by fire, lightning and windstorms at actual cost and not for profit to said members from the provisions of this Act and prescribing how any organized fraternal society, benevolent order, trades association or pro-

fession may write such contracts or agreements of insurance among their members only at actual cost and not for profit to said members; to prescribe certain duties for the Commissioner of Insurance and Banking and by what title the Commissioner of Insurance and Banking may be known for the purposes of this Act; to levy a gross premium receipts tax upon certain individuals, associations, partnerships and aggregations of individuals writing such contracts or policies of insurance under the provisions of this Act; to define such gross premium receipts and how the same may be determined; to provide certain offenses for the violation of the provisions of this Act, prescribing penalties and punishments therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass.

ASTIN, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 62, A bill to be entitled "An Act to prohibit any person, individual, association, partnership or aggregation of individuals (not incorporated) from writing contracts or policies of insurance against the hazard of fire, or fire insurance policies, or fire and tornado insurance policies, or tornado insurance policies, or liability insurance policies, within the State, except in compliance with the provisions of this Act; to prescribe how and upon what terms, and person, association, partnership, individual or aggregation of individuals (not incorporated) may write such policies or contracts of insurance, and excepting any association, partnership or aggregation of individuals who write such policies or contracts of insurance in only one county of this State and only upon their own property from certain provisions of this Act and prescribing how any association, partnership or aggregation of individuals may write such contracts or policies of insurance in any one county in this State and only upon their own property, and except-

ing organized fraternal societies, benevolent orders, trades associations and professions who promote and maintain reciprocal agreements among their members only to indemnify said members against loss or damage to property by fire, lightning and windstorms at actual cost and not for profit to said members from the provisions of this Act, and prescribing how any organized fraternal society, benevolent order, trades association or profession may write such contracts or agreements of insurance among their members only at actual cost and not for profit to said members; to prescribe certain duties for the Commissioner of Insurance and Banking and by what title the Commissioner of Insurance and Banking may be known for the purposes of this Act; to levy a gross premium receipts tax upon certain individuals, associations, partnerships and aggregations of individuals writing such contracts or policies of insurance under the provisions of this Act; to define such gross premium receipts and how the same may be determined; to provide certain offenses for the violation of the provisions of this Act, prescribing penalties and punishments therefor, and declaring an emergency.

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be amended as follows:

Amend the bill by inserting after the words "Commissioner of Insurance," in Section 4, the following words: "Provided, that nothing in this Act shall prohibit the payment, out of any funds set aside for payment of losses, the return of savings effected to the policy holders or return premiums on cancelled policies or use of said 60 per cent reserve for reinsurance."

Amend the bill by striking out of Section 1 the following words: "Except the requirements prescribed in Section 2 hereof."

Amend the bill by inserting in Section 1, after the word "trades," the following words: "And farmers."

WARREN.

(Floor Report.)

Austin, Texas, Aug. 25, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 77, a bill to be entitled "An Act to create a more efficient road system for Liberty county, Texas," etc.,

Have had the same under consideration, and we beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Kauffman, John-son, Paulus.

(Floor Report.)

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred Senate bill No. 65, being a bill to amend an Act to incorporate the City of Port Arthur, in Jefferson county, Texas,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Meachum, Chairman; McNealus, Collins, Lattimore, Vaughan, Terrell of McLennan, Peeler, Hudspeth, Kauffman, Hume.

Committee Room,

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 61, A bill to be entitled "An Act to amend the charter of the City of Dallas, and declaring an emergency,"

And find it correctly engrossed.

COFER, Chairman.

Committee Room,

Austin, Texas, Aug. 25, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 19, A bill to be entitled "An Act to amend Article 5043c, Chapter 7, Title 102, and Article 824c, Chapter 4, Title 17, of the Penal Code of Texas, and to further empower the Livestock Sanitary Commission of the State of Texas to protect livestock against contagious, infectious or communicable diseases,

and to provide penalties for violation of the laws and of the rules and regulations of the Live Stock Sanitary Commission, prohibiting the movement of live stock and the prevention of the spread of contagious diseases, and for violation of the quarantine rules and regulations of the Livestock Sanitary Commission, and declaring an emergency,"

And find it correctly engrossed.  
COFER, Chairman.

Austin, Texas, Aug. 25, 1911.  
Committee Room,  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared,

Senate bill No. 51, A bill to be entitled "An Act to empower the county commissioners court of Galveston county to divide Bolivar Peninsular into public free school districts of less than nine square miles area, and to divide the present public free school district No. 9 into not more than two public free school districts, and declaring an emergency,"

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 25, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 66, A bill to be entitled "An Act creating an Independent School District in the counties of Lavaca, Colorado, Wharton and Jackson, State of Texas, and declaring an emergency,"

And find it correctly engrossed.  
COFER, Chairman.

Committee Room,  
Austin, Texas, Aug. 25, 1911.  
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 64, A bill to be entitled "An Act to amend the charter of the City of Temple, Bell county, Texas, and declaring an emergency,"

And find it correctly engrossed.  
COFER, Chairman.

TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, Aug. 26, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Bryan.	Perkins.
Carter.	Paulus .
Cofer.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.

Absent.

Astin. Hume.

Absent—Excused.

McNealus. Willacy.  
Ratliff.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield the same was dispensed with.

See Appendix for standing committee reports.

SENATE BILL NO. 11—FREE CONFERENCE COMMITTEE REPORT ON.

Austin, Texas, Aug. 26, 1911.  
To the Hon. A. B. Davidson, President of the Senate, and Hon. Sam Rayburn, Speaker of the House of Representatives.

We, your committee appointed to consider in Free Conference Senate bill No. 11, which was by the House substituted with House bill No. 13, report that we recommend that Senate bill No. 11 do not pass, but that